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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,179	11/28/2000	Wenhua Lin	LIGHT1320	7760

7590 12/16/2003

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EXAMINER

NGO, HUNG NHAT

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 12/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,179

Applicant(s)

LIN, WENHUA

Examiner

Hung N Ngo

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2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander et al (5,712,932).

Alexander et al discloses a input port (72, Fig. 1) configured to receive a plurality of optical channels (λ_1 - λ_n); an add/drop port (76) configured to transmit a first drop channel (since port 76 always transmitting every optical channel from the input port, it always transmitting the first drop channel) of the plurality of channels when in a first channel mode (lines 14-37 of column 2 discloses that switch and controller determine many channel modes) and a second drop channel (since port 76 always transmitting every optical channel from the input port) of the plurality of optical channels during a second channel mode (lines 14-37 of column 2 discloses many channel modes); and an output port (74) configured to transmit the second drop channel during (such λ_n) during the first channel mode (any switching mode which λ_n being reflected by the grating) and the first drop channel (such λ_1) during the second channel mode (any switching mode which λ_1 is reflected by the grating), the output port further configured to transmit the plurality of channels spectrally between the first channel and the second channel when in a channel tuning mode between the first channel mode and the second channel mode (see lines 14-37). The output port is further configured to transmit the plurality of optical channels during the channel tuning mode (see lines 20-35 of column 7 and lines 1-8 of column 10 for tuning mode). The add/drop port is configured to receive a first alternate optical channel; and the output port is further configured to transmit the first alternate optical channel during the first channel mode (lines 5-37 of column 2). The first alternate optical channel comprises a plurality of alternate optical channels (lines 5-37 of column 2). Alexander et al further discloses a plurality of channel selectors (80). The channel selectors is tunable frequency channel selector (lines 20-35 of column 7 and lines 1-8 of column 10). The channel selectors is a fixed bandwidth channel selector (lines 8-10 of column 10). The channel selectors is a variable bandwidth channel selector (lines 20-35 of column 7 and lines 1-8 of column 10). The channel selectors is tunable frequency channel selector (lines 20-35 of column 7 and lines 1-8 of column 10). Alexander et al further discloses a first switch (82) configured to direct the plurality of optical channels from the input to the first channel selector during the first channel mode and to the second channel selector during the second channel mode; and a second switch (82) configured to direct a first plurality of resultant optical channels from an output of the first channel selector to the output port during the first channel mode, and configured to direct a second

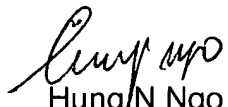
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plurality of resultant optical channels from an output of the second channel selector to the output port during the second channel mode (Fig. 1A). Alexander et al further discloses a switch (70, Fig. 1A) optically coupled between the input port and the output port. The channel selector is further to change from the first channel mode to the second channel mode during the channel tuning mode by shifting the first frequency bandwidth of the the first channel mode to a second frequency bandwidth of the second channel (lines 30-35 of column 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung N Ngo whose telephone number is (703) 308-0297. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hung N Ngo
Primary Examiner
Art Unit 2633

hn